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Peter Robinson, Katherine Sebbane, and Rudy Barajas  
Individually and on Behalf of All Those Similarly Situated*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SHANNON RAY, KHALA TAYLOR, PETER  
ROBINSON, KATHERINE SEBBANE, and  
RUDY BARAJAS, Individually and on Behalf of  
All Those Similarly Situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, an unincorporated association,

Defendant.

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Marko Radisavljevic, CA Bar No. 306552  
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Case No. 1:23-cv-00425

**NOTICE OF REQUEST TO SEAL;  
REQUEST TO SEAL**

Judge: Hon. William B. Shubb  
Courtroom: 5, 14<sup>th</sup> Floor

**NOTICE OF REQUEST TO SEAL AND REQUEST TO SEAL**

Please take notice that Plaintiffs will and hereby do request that the Court seal the threshold percentage of opt-outs needed to trigger the proposed Settlement Agreement's termination clause. This Notice is being made pursuant to Local Rule 141. The Notice of Request to Seal and Request to Seal are accompanied by a proposed order in accordance with Local Rule 141.

Because of the potential for abuse, courts have regularly found compelling reasons to seal information regarding the number of opt-outs needed to trigger the termination of a class action settlement agreement. *See, e.g., Friedman v. Guthy-Renker, LLC*, 2016 WL 5402170, at \*2 (C.D. Cal. Sept. 26, 2016) (finding that "potential for abuse" "outweigh[ed] the interest in public access to" opt-out threshold information and collecting cases); *In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 948 (9th Cir. 2015) (recognizing that "exact threshold" in "opt-out provision" was appropriately "kept confidential" "for practical reasons"); *In re Lyft Inc. Sec. Litig.*, No. 19-CV-02690-HSG, 2023 WL 2960006, at \*2 (N.D. Cal. Mar. 16, 2023); *Thomas v. Magnachip Semiconductor Corp.*, 2016 WL 3879193, at \*7 (N.D. Cal. July 18, 2016) (finding compelling reasons to seal the provision).

In line with these cases, Plaintiffs very narrowly request to seal only the percentage of opt-outs needed to trigger the proposed Settlement Agreement's termination clause. This request is identical to the request this Court recently granted in the related *Smart v. NCAA* case. *See Smart v. NCAA*, 2025 U.S. Dist. LEXIS 59051, at \*2 (E.D. Cal. Mar. 27, 2025) (finding "compelling reasons to grant plaintiffs' request."). The proposed Settlement Agreement is to be attached as Exhibit 1 to the Co-Lead Counsel's Joint Declaration in Support of Motion for Preliminary Approval, and if this request is granted, all of it will be publicly available for review except for the termination clause's threshold percentage.

Given the compelling reasons for sealing this information and the very limited nature of this request, Plaintiffs respectfully request that the Court grant it. In accordance with local rules, Plaintiffs have ensured that all parties are served with this request electronically, and will send

both a redacted and non-redacted version of the proposed Settlement Agreement for the Court's review.

DATED: November 10, 2025

Respectfully submitted,

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